

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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JIMMY EARL DOWNS,

Plaintiff,

v.

DAVID GRUSMAN, *et. al.*,

Defendants.

2:07-cv-00116-JCM-LRL

O R D E R

On January 28, 2010, this court granted plaintiff's Motion For Leave to File Amended Complaint (Order #60). Plaintiff had moved to amend the Complaint to name four additional defendants and to assert five additional claims. However, at that time the court failed to instruct the clerk to detach the Amended Complaint (attached to #49) and file it as a separate document. Nor was it determined how service was to be effected on the newly named defendants.

Before the court is plaintiff's Motion For Leave to File, Screen and Serve Amended Complaint (#94). Defendants have filed a Limited Opposition (#96). Defendants agree that the amended complaint should be screened. They confirm that the amended complaint has not yet been served on the four newly named defendants, *viz.*, James Schomig, Theodore Hopper, Sgt. Figueroa and Howard Skolnik. They oppose the plaintiff's motion as it relates to accepting service on behalf of these newly named defendants. Defendants argue that pursuant to NRS 41.0339, "the Office of the Attorney General can only accept service for present and former employees who are adequately identified and the Office's acceptance of service is contingent on the individuals sending requests for representation to the Office."

Accordingly, and for good cause shown,

...

1 IT IS HEREBY ORDERED as follows:

2 1. Plaintiff's Motion For Leave to File, Screen and Serve Amended Complaint (#94) is granted
3 to the following extent: the clerk of the court shall detach the Amended Complaint (attached to #49) and
4 file it as a separate document;

5 2. Defendants' David Grusman, Harold Wickham and the State of Nevada shall respond to the
6 plaintiff's amended complaint on or before September 12, 2011;

7 3. The Office of the Attorney General shall have an opportunity to identify and contact the
8 newly named defendants, *viz.*, James Schomig, Theodore Hopper, Sgt. Figueroa and Howard Skolnik.

9 4. If these newly named defendants cannot be identified, the Office of the Attorney General
10 shall provide the court with their last known addresses under seal on or before September 12, 2011.

11 DATED this 19th day of August, 2011.

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14 **LAWRENCE R. LEAVITT**
15 **UNITED STATES MAGISTRATE JUDGE**
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